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SIPDIS

E.O. 12958: DECL: 05/06/2019
TAGS: [CVIS](#) [PREL](#) [PGOV](#) [PINR](#) [TH](#)
SUBJECT: RECOMMENDATION TO PRUDENTIALLY REVOKE THAI EX-PM
THAKSIN SHINAWATRA'S U.S. VISAS

REF: A. BANGKOK 1059 (REVOLUTIONARY RHETORIC)
[1](#)B. BANGKOK 991 (WARRANTS AND REVOCATION)
[1](#)C. 08 BANGKOK 3167 (THAKSIN CONVICTED)

Classified By: Ambassador Eric G. John, reason: 1.4 (b and d).

SUMMARY AND ACTION REQUEST

[1](#)1. (C) Post recommends that the Department prudentially revoke former Prime Minister Thaksin Shinawatra's U.S. non-immigrant visas. This recommendation is based on our belief that Thaksin has possibly committed a crime involving moral turpitude. The RTG has two arrest warrants outstanding for Thaksin, one of which cites his inspiring unrest and illegal acts in connection with mid-April riots by his supporters in Pattaya and Bangkok. Irrespective of potential Department action, Thaksin currently fails to meet the requirements for entering the U.S. on his valid B1/B2 visa because the RTG has revoked all of Thaksin's Thai passports. The political dimensions of this issue favor prudential revocation, as the RTG has made the restriction of Thaksin's movements and actions abroad (as well as his extradition to Thailand) a top priority in foreign affairs. End Summary and Action Request.

THAKSIN'S VISAS AND PASSPORTS

[1](#)2. (SBU) According to records accessible at post, Thaksin has received the following unexpired U.S. non-immigrant visas (NIVs):

- A B1/B2 NIV, valid until March 27, 2011, in Thai diplomatic passport D203848.
- A B1/B2 NIV, valid until October 11, 2016, in Thai diplomatic passport D213411. (The record for this visa appears to indicate erroneously that this passport is an ordinary passport.)
- An A1 NIV, valid until April 10, 2011, in Thai diplomatic passport D213411.

[1](#)3. (SBU) Ref B provided the text of a diplomatic note in which the MFA informed us that two Thai passports not indicated above had been revoked, and that Thaksin "no longer holds any Thai passports as of 12th April 2009." Based on the revocations, we believe Thaksin currently fails to satisfy the 9 FAM 41.112 N6 requirement that, to receive admittance into the U.S., he present both a valid visa and a valid passport from the country of the nationality indicated on the visa.

¶4. (C) As Ref B reported, Thaksin currently appears to hold a Nicaraguan diplomatic passport. Embassy Podgorica has informed us that the Government of Montenegro has confirmed that Thaksin holds an ordinary Montenegrin passport. Unsubstantiated rumor holds that Thaksin may also have a Cambodian passport, and it is possible that he may have passports from other countries as well.

THAKSIN'S LEGAL SITUATION

¶5. (SBU) Ref C reports Thaksin's October 2008 conviction under a provision of Thailand's Counter Corruption Act. At the time of the conviction, Thaksin was abroad, and he failed to return to Thailand. Ref B contains the text of an arrest warrant for Thaksin, as provided to the Embassy by the Thai MFA, based on his failure to surrender to authorities to serve his two-year sentence in connection with that conviction.

¶6. (C) Ref B also contains the text of a second arrest warrant for Thaksin, as provided to the Embassy by the Thai MFA, alleging that Thaksin inspired unrest and illegal acts in connection with mid-April violent demonstrations in Pattaya and Bangkok. Ref A quotes Thaksin's public call for a "revolution." While we do not have evidence that Thaksin intended for his supporters to engage in violent acts, and Thaksin has publicly denied orchestrating the mid-April riots, we believe that Thaksin's rhetoric was inflammatory and could reasonably be interpreted as a call for unruly actions.

¶7. (C) The RTG appears to have prepared numerous other legal cases against Thaksin, many involving alleged acts of corruption during his term as Prime Minister. Thai law precludes trial in absentia, however, so those cases have stalled while Thaksin remains abroad.

¶8. (C) Given the above, post believes that there are grounds for a prudential revocation of Thaksin's U.S. NIVs, based on the possibility that Thaksin may/may have committed a crime involving moral turpitude. Post has not at this time developed a view regarding whether grounds would exist for a finding of visa ineligibility in connection with a crime involving moral turpitude, but we note that the standard for a prudential revocation is lower than the standard for a finding of ineligibility.

POLITICAL FACTORS

¶9. (C) We make the recommendation for a prudential revocation having considered the political impact of such a decision, if it were to become public knowledge. Currently, as illustrated by the MFA's communications quoted in ref B and a wide range of public and private statements by the Foreign Minister and other top officials, the RTG has made it a top priority in foreign affairs to press other governments not to allow Thaksin's travel and/or use of foreign territory for his political activities. Thailand has also explored the possibility of Thaksin's extradition; for example, in light of Thaksin's travel to the United Arab Emirates, the RTG sought to discuss with the UAE on an expedited basis the conclusion of a Thai-UAE extradition agreement. Ref B quoted Thailand's request that Nicaragua prevent Thaksin from destabilizing Thailand, assist Thailand in taking custody of Thaksin, and conclude an extradition agreement with Thailand. Thailand has sought Interpol's assistance in arresting Thaksin while he remains abroad.

¶10. (C) We are confident that the current RTG administration would welcome our revoking Thaksin's visa. We hope to avoid a situation in which Thaksin manages to enter the U.S., which would ensure that issues surrounding Thaksin's status would dominate the U.S.-Thai relationship, at least in the short term. We believe revoking Thaksin's visa, and conveying that news to him, might help to deter him from trying to enter the U.S.

¶11. (C) We do not rule out the possibility that at some future date Thaksin may regain dominant influence over the RTG. Because Thaksin might resent our revocation of his visa, the U.S.-Thai relationship could suffer somewhat in such a scenario. We note, however, that Thaksin has proven flexible and pragmatic; he now appears to have established a cooperative relationship with retired General Pallop Pinmanee, whom Thaksin reportedly believed sought to assassinate him toward the end of Thaksin's time in office. We believe, therefore, that a prudential revocation, justified in part by RTG arrest warrants, would not inevitably cause serious damage to the U.S.-Thai relationship in the event of a return to power by Thaksin or his allies.

JOHN